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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,946	10/17/2003	Ronald D. Rodriguez	83253	9922

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EXAMINER

CHANG, YEAN HSI

ART UNIT PAPER NUMBER

2835

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/687,946

Applicant(s)

RODRIGUEZ, RONALD D.

Examiner

Yean-Hsi Chang

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 12, 14-16, 18 and 19 is/are rejected.
- 7) ☒ Claim(s) 10, 13 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                               |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/17/03</u> . | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1 and 14 are objected to because of the following informalities: It would be less confusing that an article "the" or "said" being inserted in front of the second "at least three walls" on line 3 of claim 1 if the same "at least three walls" are referred; and it is also suggested that an article "the" or "said" to be inserted in front of "first means" on line 1 of claim 14 if the same "first means" are referred, otherwise, different terminology should be used. Appropriate correction is required.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "a plurality of shelves" in claim 19 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-9, 11-12, 14-16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by LaFleur (US 6,289,326 B1).

LaFleur teaches a foldable, sturdy, lightweight, multi-walled monitor stand (fig. 1) for portability, comprising: at least three walls (for example, 14, 16, 50, 100 and 110), a plurality of support structures (80 and 90), and a top wall (shown in fig. 1, not labeled), each said wall having a top section, bottom section, inner section, and outer section (all

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not labeled), the at least three walls enclosing said plurality of support structures (shown in fig. 6), wherein at least one said wall (50) having an opening (at 40 in fig. 8) for a computer monitor (40), hinging means for coupling (hinges) each said wall (for example, 32, 52, 92), each said support structure, and said top wall together to form a unitary structure (fig. 7) which permits folding between each said wall, each said support structure, and said top wall to form a housing enclosing said support structures (see fig. 2), wherein at least two said walls being non-hingedly attached (100 and 110), first means for securing (brackets) each said support structure and said top wall to a desired position to said inner section of said walls within said housing when said stand is assembled (see fig. 43), said first means for securing being coupled to said inner section of said walls, and second means for securing said non-hingedly coupled walls together for complete assemblage of said stand and/or to secure any items within said assembled stand (claims 1-3 and 15); wherein said second means for securing said non-hingedly coupled walls together for complete assemblage of said stand including a locking means (shown in fig. 3, not labeled) coupled to said outer section of said non-hinged walls to secure any items within said assembled stand (claim 4); wherein said unitary structure is folded into a collapsible unassembled position for storage and portability (shown in fig. 2) (claim 5); wherein said walls, said top wall, and said support structures are constructed of rigid sturdy lightweight materials including aluminum, plastic, and aluminum plastic laminate (see col. Col. 7, liners 10-29; also the whole structure being for portable, transportable, and manual replaceable as stated in col. 1, line 48 through col. 2, line 14, even though not specified) (claims 6 and 9); a lockable

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rear access door (172, fig. 20) within at least one said wall to remove or add items stored in said stand (claim 7); wherein said support structures are dimensioned and configured to accommodate the inclusion of at least one of a monitor, interactive touch screen monitor, CPU, keyboard, VCR, DVD player, and other audiovisual equipment (see col. 6, lines 15-24) (claim 8); wherein each said wall includes at least one aperture (174, fig. 20) dimensioned and configured to accommodate cables and/or plugs (claim 11); a case to accommodate said stand in a collapsible configuration for storage and portability (20, fig. 3) (claim 12); wherein first means for securing each said support structure and said top wall to a desired position to said inner section of said walls within said housing when said stand is assembled further comprising a bolt or pin (202) to securely lock each support structure and top wall in place (claim 14); wheels (19, fig. 15B) coupled to the bottom of said walls for sliding said stand on a floor or like surface (claim 16); and wherein said support structures are foldable shelves (see fig. 6) (claim 18).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaFleur.

LaFleur discloses the claimed invention with only one shelf coupled to the outer section of said wall. It would have been obvious to one having ordinary skill in the art at the time the invention was made to add one more shelf to the device of LaFleur, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. MPEP 2144.04 VI B.

***Allowable Subject Matter***

7. Claims 10, 13 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: The best prior art of record, LaFleur (US 6,289,326 B1), Stone et al. (US 3,576,355), Lew (US 3,294,464), and Letch (US 5,664,854), taken alone or in combination, fails to teach or fairly suggest a monitor stand comprising, in addition to the limitations stated in section 4, hereinabove: at least one handle coupled to an outer section of wall(s) of said stand for portability as set forth in claim 10; wherein said outer section of said walls include a hook and loop material for attaching objects to said stand as set forth in claim 13; and an accessible storage unit secured to said outer section of said walls for consumer related items as set forth in claim 17.

***Correspondence***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yean-Hsi Chang whose telephone number is (571) 272-2038. The examiner can normally be reached on 07:30 - 16:00, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the Art Unit phone number is (571) 272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8558.

Yean-Hsi Chang  
Primary Examiner  
Art Unit: 2835  
July 10, 2005

  
**YEAN-HSI CHANG**  
**PRIMARY EXAMINER**